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210002Z Jan 05

ACTION PRM-00

INFO	LOG-00	NP-00	AID-00	A-00	CIAE-00	INL-00	DODE-00
DS-00	EAP-00	FBIE-00	UTED-00	VC-00	H-00	TEDE-00	
INR-00	IO-00	VCE-00	NSAE-00	OIC-00	OMB-00	NIMA-00	
PA-00	PER-00	SP-00	IRM-00	SSO-00	SS-00	FMP-00	
DSCC-00	DRL-00	G-00	NFAT-00	SAS-00	/000W		

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FM AMCONSUL HO CHI MINH CITY

TO SECSTATE WASHDC 0905

INFO AMEMBASSY HANOI

AMEMBASSY BANGKOK

AMEMBASSY PHNOM PENH

AMEMBASSY VIENTIANE

USMISSION GENEVA

UNCLAS HO CHI MINH CITY 000074

SIPDIS

SENSITIVE

DEPT FOR PRM AND EAP/BCLTV

BANGKOK FOR REFCOORD

E.O. 12958: N/A

TAGS: PREF PREL PHUM VM

SUBJECT: PRM DAS KELLY RYAN VISIT TO VIETNAM DEC. 1-3:  
AGREEMENT REACHED TO RESUME HUMANITARIAN RESETTLEMENT  
PROCESS

REF: A) 04 HCMC 0505      B) 03 Hanoi 2098

Sensitive but unclassified. Please handle  
accordingly.

¶1. (SBU) Summary. PRM Deputy Assistant Secretary Kelly Ryan held a second round of technical talks in Hanoi on December 2 and 3 with a delegation of GVN officials to discuss opening of the Humanitarian Resettlement (HR) process, a USG proposal to accept applications for persons meeting eligibility criteria for certain categories of the former Orderly Departure Program (ODP). The talks resulted in a decision to open a six-month information outreach phase on March 1, 2005, followed by a two-year processing phase starting September 1, 2005. The two sides decided to initial the texts of two documents laying out the parameters of the HR process: an "Understanding - Humanitarian Resettlement - Mechanisms for Cooperation Between the GVN and USG" and a "Joint USG-GVN Public Announcement Regarding Humanitarian Resettlement (HR)," which will be issued at the start of the public information outreach. A third document describing specific activities of the HR public information outreach was extensively discussed and the GVN requested that the USG modify its proposal in some regards. The talks were cordial, with the GVN delegation seeming predisposed to reaching agreement. But certain issues proved difficult in the course of the talks and several specific concerns in actual implementation are still likely to come up. End summary.

¶2. (SBU) A delegation led by PRM DAS Kelly Ryan, along with DHS/USCIS Associate Chief Counsel Ronald Whitney and USCIS Officer Ralph Foelster met December 2-3 with a GVN delegation headed by MFA Director General of the Consular Division Mr. Bui Dinh Dinh. This meeting was a follow-up to a first round of technical talks held March 29-30, 2004 (ref A) and to the visit of PRM A/S Gene Dewey in August 2003 (Ref B), during which agreement in principle had been reached to re-open certain categories of the former ODP program for further in-country processing. This most recent round of talks was aimed at achieving definitive agreement and setting dates for the start up of what is now called the "Humanitarian Resettlement" process, a term agreed upon during the first round of talks in March. The specific objectives included agreement on the text of the initial public announcement, the text of a paper describing the modalities of the overall public information outreach and the text of a document describing the mechanisms for cooperation between the two governments in carrying out the HR process.

¶3. (SBU) At the conclusion of the first round of talks both sides decided that the USG would provide drafts of these three documents as the next step prior

to the second round of talks, and texts of the draft documents were provided to the GVN in early November. During the first morning of talks on Dec. 2, discussion centered on the "Mechanisms for Cooperation" paper and it was decided that, rather than doing a separate "Minutes of Meeting" document as was done in the first round of talks, this paper would be used as the basis for an agreement to implement HR that both sides would initial.

¶4. (SBU) The GVN delegation's comments on the draft presented by the USG centered on their desire to ensure that the HR process is nondisruptive to Vietnamese society. Several of the items in the "Mechanisms for Cooperation" paper were first discussed and fairly quickly agreed upon. The summary of the previous discussions was acceptable to the GVN with minor wording changes. They decided to jointly announce the opening of HR and to the formation of a GVN-USG Joint Working Group to manage the implementation of the HR process. On the subject of access, the GVN delegation confirmed that they would not require a GVN-issued Letter of Introduction (LOI) as a prerequisite for applicants' access to the HR process.

¶5. (SBU) One very important early comment came on the subject of document verification. The U.S. side asked whether the GVN had any kind of central office to verify information such as claims of time served in re-education centers. Mr. Dinh admitted that since many of the older re-education centers had been dissolved years ago, many records had been destroyed or were missing. In many cases, the files were not deemed important and were not kept in any organized fashion. This admission highlighted a key concern as to the difficulty of verifying claims for events that happened nearly thirty years ago. In cases where people have lost their own certification of re-education center time served, it may give rise to an opportunity for graft and corruption in both the creation and police certification of fraudulent certifications. The two sides decided on a process whereby the USG could provide documents to the GVN for review as necessary for verification purposes. But the fact that the GVN readily admitted many old records are now lost or destroyed highlights the difficulty of this task.

¶6. (SBU) A recurring issue throughout the two days of discussions was the need for a Vietnamese passport as a prerequisite for accessing the program. Although they had agreed that a separately issued LOI would no longer be necessary, at several points during the discussions, the GVN delegation wanted to insert the passport requirement directly into the section on "eligibility criteria" for the program. The U.S. side was adamant that this type of GVN-generated restriction could not be made a part of the core eligibility criteria. Insertion of such a clause would cause too much protest in the U.S. that the GVN was still limiting access to the program and preventing legitimate candidates from presenting their cases.

¶7. (SBU) Lengthy discussions took place concerning the GVN's current passport procedures. The GVN delegation repeatedly stated that the vast majority of Vietnamese citizens currently have no problem receiving a passport, unless there is some reason in Vietnamese law to deny issuance. While it is acknowledged that anybody being approved for resettlement under HR will still need GVN permission to emigrate from the country, the passport requirement should not be used as a means to deny access to the program. A compromise on this critical issue was crafted on the second day by adding a separate "Authorization to Travel Abroad" section to the document, stating that Vietnamese citizens will not receive final authorization to go to the U.S. under HR without permission to travel abroad under Vietnamese law.

¶8. (SBU) Separately, the two delegations also reviewed the draft "Joint USG-GVN Announcement Regarding Humanitarian Resettlement (HR)." The GVN delegation did not have any substantive changes in the text of the proposed announcement, but suggested re-ordering it somewhat. They suggested moving up the entire section on "Access Criteria for HR," which detailed the specific criteria for the HO (re-education center detainee), U-11 (former USG employee) and V-11 (former U.S. private company or organization employee) categories. Both sides carefully reviewed these access criteria together and agreed on the exact

wording of the category criteria. The remainder of the public announcement consists of several "Important Notes," which are mainly designed to warn against fraudulent or frivolous applications and to warn applicants against using the services of a visa facilitator or "fixer" to assist them. The GVN emphasized again and again that they wanted the initial public announcement and the public information outreach on HR to be minimally disruptive and focus on the likely target populations without creating nationwide expectation or confusion.

¶9. (SBU) With the "Mechanisms for Cooperation" paper and the Joint USG-GVN Announcement" essentially agreed to, on the afternoon of the second day the two delegations then discussed the various specific proposals for the broader Public Information Outreach (PIO) to publicize HR following the initial announcement. The GVN delegation accepted the "Introduction" and "Goals and Objectives" of the USG proposal, except for the goal which stated, "Reach the Broadest Segment of the Population Possible." Again expressing their concern to keep the HR process minimally disruptive, the GVN suggested rewording this along the lines of "Targeted Dissemination to Intended Audiences."

¶10. (SBU) More specifically, as the two delegations reviewed the list of suggested publicity methods, it became clear they had different ideas regarding how to handle the publicity campaign. The GVN expressed some surprise that we had suggested using International Organization for Migration (IOM) mass media resources to assist in this project. They felt that the GVN itself could do a satisfactory job of placing media spots without involving the IOM. The USG side asked what exactly the GVN had in mind, and Mr. Dinh listed several possible items that included most of what the USG would want plus a few items we did not think the GVN would permit. For example, they suggested using the loudspeaker systems at the grass-roots level to make public announcements, as well as professional communicators at the commune and village level; TV and radio programs in all the provinces where we think there may be many cases; ethnic language broadcasts on certain TV and radio channels targeting ethnic minority groups; and print ads in several wide-dissemination popular newspapers.

¶11. (SBU) Where the GVN drew the line in the discussion of the publicity effort was in not running ads on nationwide TV broadcasts, not allowing ads in political newspapers and magazines and not using flyers or brochures that could be easily reproduced by would-be "brokers" and sold to unsuspecting persons. Again, this emphasized the GVN concern about disseminating the information in a more limited and targeted way to minimize the disruptive effect on society. The two delegations agreed that there was generally broad agreement on the methods of publicity, but that the USG would modify its proposal to work more directly with the GVN in this area and eliminate the role of the IOM as the USG's partner.

¶12. (SBU) With a consensus successfully negotiated reached on all three papers, the two delegations discussed and decided on implementation dates. The two sides decided that the initial public announcement would best be made after the Tet Lunar New Year Holiday, and agreed on March 1 as the tentative announcement date, to be followed by the six-month Public Information Outreach. The actual application-processing phase would then begin September 1, 2005, and run for two years until September 1, 2007.

¶13. (SBU) One further concern was highlighted in the discussion of implementation dates. The GVN emphasized it wanted the "processing" phase to be completed by September 1, 2007, while the USG sees this as the "application" deadline. We emphasized to the GVN that there would undoubtedly be some residual cases still not completed by September 1, 2007, especially if they had just recently applied. The GVN side replied that it needed to set a definite end date to the processing phase in order to have the agreement accepted by more senior GVN officials. To compromise, a statement was added to the "Mechanisms of Cooperation" paper stating that "The USG will make best efforts to complete processing of all cases during this period." The agreed upon language suggests a recognition by both sides that, despite the best efforts by the United States, residual cases may remain pending at the end of the processing phase. This issue was discussed with the Ambassador prior to DAS Ryan's giving final agreement to the documents.

It is recognized that we may need to negotiate with the GVN in mid-2007 to permit continued processing of a small number of residual cases after the September 1, 2007 end date, but we do not believe the GVN will object.

¶14. (SBU) Next steps: Overall, the decision by the two governments to open the Humanitarian Resettlement process is a satisfying conclusion to several years of addressing this issue with the GVN. The next step will be to work with the GVN on final plans for the Public Information Outreach, with the intended initial announcement date set for March 1. ConGen Ho Chi Minh City's Refugee Resettlement Section (RRS) is working out anticipated resource needs for the expanded workload, anticipating initially a need for several additional local caseworker assistants in the Infocomm Unit to handle the increased volume of inquiries expected after the public announcement and to start reviewing claims of eligibility. In anticipation of the September 1 start of active application processing, the hiring of several Vietnamese-speaking expatriate caseworkers will also be necessary. The goal will be to run the Humanitarian Resettlement Process efficiently and effectively over the next two to three years, giving all interested and eligible applicants one final chance to enter these programs before bringing these programs based on pre-1975 ties to the U.S. to a satisfactory conclusion.

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